

#### REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 12 and 13 have been cancelled, while the claims have been amended for clarity. In addition, claims 15-17 have been added and claim additional features of the invention.

Applicant believes that the above changes answer the Examiner's objection to claim 7, and the Examiner's 35 U.S.C. 112, paragraph 2, rejection of claims 7, 12 and 13, and respectfully requests withdrawal thereof.

The Examiner has rejected claims 11-13 under 35 U.S.C. 101, in that the claimed invention is directed to non-statutory subject matter.

With respect to claims 12 and 13, the cancellation of claims 12 and 13 renders this rejection moot. With respect to claim 11, Applicant has amended claim 11 to claim "A personal video recording system having a user interface...." As such, Applicant believes that claim 11 is now statutory.

The Examiner has rejected claims 1 and 12-14 under 35 U.S.C. 102(b) as being anticipated by European Patent No. EP0782139 to Nielsen et al. The Examiner has further rejected claim 11 under 35 U.S.C. 102(b) as being anticipated by International Patent Application No. WO 92/22983 to Browne et al. In addition, the Examiner has rejected claims 2 and 4-6 under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. in view of Browne et al. Moreover, the Examiner has rejected claims 3, 7 and 8 under 35

U.S.C. 103(a) as being unpatentable over Nielsen et al. in view of Browne et al., and further in view of U.S. Patent Application Publication No. 2002/01999194 to Ali. Further more, the Examiner has rejected claim 9 under 35 U.S.C. 103(a) as being un patentable over Nielsen et al. in view of Browne et al., and further in view of U.S. Patent Application Publication No. 2003/0081937 to Li. Finally, the Examiner has rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. in view of Browne et al. and Ali, and further in view of Applicant's Admitted Prior Art, where a broadcaster "pays per recording of said third type of programmes for advertisement services."

The Nielsen et al. patent discloses video management systems, in which a first videostream carrying a program for viewing is transmitted with a second videostream carrying highlights of the program in the first video stream, in which, when the user is unable to view at least a portion of the program, the may record the highlights video stream.

The Examiner has indicated that Nielsen et al. "discloses a method of recording and playing back content to and from a personal video recorder for audio-visual content (Fig. 1), said recorder having a storage medium for recording television programmes (column 1, line 50 - column 2, line 15; column 4, lines 32-49), and of presenting information concerning the recorded content on said recorder (column 1, line 50 - column 2, line 15; column 4, lines 50-56), comprising the steps of: recording of programmes of at least a first type of programmes on said storage

medium of the recorder, wherein said first type of programmes comprises programmes subscribed by a user of the recorder (column 1, lines 49-53; column 4, lines 32-49); presenting of the recorded programmes in a summarised form in a User Interface (column 2, lines 41-52); and playing back a programme chosen by the user, wherein the chosen programme is one of the above recorded programmes of at least said first type of programmes (column 2, lines 41-52; column 4, lines 50-56)."

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant believes that the Examiner is mistaken. In particular, as claimed in claim 1, the subject invention includes "recording programs of at least a first type of programs on said storage medium of the recorder, wherein said first type of programs comprises programs explicitly subscribed to on a video-on-demand system by a user of the personal video recorder". Nielsen et al., at col. 1, lines 49-53, states:

"An improved videostream management system can be is provided by embodiments of the present invention. According to a specific embodiment of the invention, a

videostream broadcast or recording includes a relevance level indicator",

and at col. 4, lines 32-49, states:

"The user site receives the videostream and the relevance level at a system 107. A selection system 109 (using, for example, a microprocessor programmable logic device) determines if the user has set the system into a mode for recordation of highlights. If not, the videostream is passed directly to the display 111 which may be adapted, for example, to display an NTSC videostream. If the user has set the system into a mode for recordation of highlights, the videostream or parts of the videostream are passed to a recording device 113. Recording device 113 is, in some embodiments, a videotape recorder or optical disk system. In other embodiments, particularly those related to the distribution of a videostream in a computer network, the recording device is a computer hard disk or optical disk. Software for performing the operations herein is stored on memory 110 such as a ROM, RAM, EPROM, or magnetic or optical disk."

Applicants submit that while Nielsen et al. discloses the recording of programs or of highlights of a program, there is no disclosure or suggestion of "recording programs of at least a first type of programs on said storage medium of the recorder, wherein said first type of programs comprises programs explicitly subscribed to on a video-on-demand system by a user of the personal video recorder".

Claims 1 further includes the limitation "presenting the recorded programs in a summarised form in a User Interface".

Nielsen et al., at col. 2, lines 41-52, states:

"When the user returns, a portion of the videostream has been recorded, and may be reviewed at the user's leisure. The system desirably presents the user with a menu showing, among other things, the number of events that exceed a set relevance level, the number of minutes of video exceeding a set relevance level, and how many minutes the user desires to use to review the

missed video. In the simplest embodiments, the system may simply play back all video above a threshold relevance level. In other embodiments the system may adjust the relevance level of the video to be played to "fit" it into a fixed playback time."

It should be apparent from the above that the Nielsen et al. system has some form of user interface that presents the user with a menu relating to the recorded program. However, there is no disclosure or suggestion of "presenting the recorded programs in a summarised form in a User Interface".

The Browne et al. patent discloses a large capacity, random access, multi-source recorder palyer, in which, using a user interface, the user is able to select a program to be recorded.

With regard to claim 11, the Examiner has indicated that Browne et al. discloses "a user interface for a personal video recording system, wherein information is presented to a user, said user interface comprising a first user interface for subscribing to programmes for recording (p.22-p. 24, line 12; Figs. 4-5)".

Applicant submits that the Examiner is mistaken. While Browne et al. discloses the displaying of calendars having various degrees of granularity, as well as displaying an "enter channel screen 501" in which the user selects the channel of the program to be recorded and may enter the title of the program, this is merely the selection of a program to record. There is no disclosure or suggestion of enabling a user to subscribe to a program for recording. Applicant submits that there is a distinction between the selection of a program and the subscription to a program. In

particular, as described in the specification on page 6, lines 12-19, by subscribing to the programs, if the storage medium gets destroyed, the subscribed-to programs may be recovered by re-recording the programs, e.g., when they are re-broadcast, or via a direct download from the broadcaster.

Claim 2 includes the limitation "recording a second type of programs on said storage medium of the personal video recorder, wherein said second type of programmes is chosen automatically based on a user profile of said user". While Browne et al. arguably discloses this limitation, Applicant submits that Browne et al. does not supply that which is missing from Nielsen et al., i.e., "recording programs of at least a first type of programs on said storage medium of the recorder, wherein said first type of programs comprises programs explicitly subscribed to on a video-on-demand system by a user of the personal video recorder" and "presenting the recorded programs in a summarised form in a User Interface".

Claim 3 includes the limitation "wherein the step of presenting the recorded programs comprises indicating, on the User Interface, which of the recorded programs are based on the user's subscription, based on the user's profile, or recommended by a broadcaster".

The Ali publication discloses an intelligent system and methods of recommending media content items based on user preferences, in which a user display is provided in which a listing

of programs is presented along with user ratings as differentiated from predicted ratings.

Applicant submits, however, that the display of Ali is of proposed or suggested programs prior to the programs having been recorded. Applicant stresses that there is no disclosure or suggestion in Ali that such distinctions should be made in a user interface showing the recorded programs.

Applicant further submits that Ali does not supply that which is missing from Nielsen et al. and Browne et al., i.e., "recording programs of at least a first type of programs on said storage medium of the recorder, wherein said first type of programs comprises programs explicitly subscribed to on a video-on-demand system by a user of the personal video recorder" and "presenting the recorded programs in a summarised form in a User Interface".

Claim 9 includes the limitation "wherein the step of playing back a program is on a pay-per-view basis."

The Li publication discloses summarization of video content, in which summarization functionality is provided.

The Examiner has indicated that Li discloses the claim 9 limitation and points out paragraph [0080] therein.

Applicant submits that the Examiner is mistaken. In particular, Li states:

"[0080] If a service provider has the summarization functionality in its database, it can provide users with summaries in addition to the complete video. This enables a service provider to offer to the end user a new feature that is seemingly not available nowadays:

the service provider can provide the user with summaries in for example, a pay-per-view basis. A service provider may also offer MPEG-7 compliant summary descriptions that are authored using the play data generated by the invention. A provider may also use the subject matter of the invention as a tool in analyzing indexing sports content to offer a play based search and retrieval service."

It should be apparent from the above that Li describes the pay-per-view service "If a service providert has the summarization functionality in its database... (emphasis added)". However, Applicant submits that the subject invention as claimed in claim 9 relates to content already recorded on the personal video recorder. Hence, Li does not disclose or suggest the claim 9 limitation.

Applicant further submits that Li does not supply that which is missing from Nielsen et al. and Browne et al., i.e., "recording programs of at least a first type of programs on said storage medium of the recorder, wherein said first type of programs comprises programs explicitly subscribed to on a video-on-demand system by a user of the personal video recorder" and "presenting the recorded programs in a summarised form in a User Interface".

Claim 10 includes the limitation "wherein a broadcaster pays per recording of said third type of programs."

The Examiner has indicated that this limitation has been admitted by Applicant as being part of the prior art.

Applicant submits that while this limitation arguably has been performed in the past, this still does not negate the fact that the combination of Nielsen et al., Browne et al., Ali, and



AAPA does not disclose or suggest "recording programs of at least a first type of programs on said storage medium of the recorder, wherein said first type of programs comprises programs explicitly subscribed to on a video-on-demand system by a user of the personal video recorder" and "presenting the recorded programs in a summarised form in a User Interface".

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-11 and 14-17, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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